

Notice of Allowability

Application No.

10/612,773

Examiner

Carolyn T Blake

Applicant(s)

PORTNOY, ARKADY

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/8/2005.
2. ☒ The allowed claim(s) is/are 12-17.
3. ☒ The drawings filed on 08 February 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment received on February 8, 2005.
2. The objection to the drawings is withdrawn in view of the amendment.
3. The objection to the disclosure is withdrawn in view of the amendment.
4. The objection to claims 12 and 15 is withdrawn in view of the amendment.
5. The rejection to claims 11, 14, 16, and 17 under 35 USC § 112 is withdrawn in view of the amendment.
6. The rejection to claim 11 under 35 USC § 102 is withdrawn in view of the amendment.
7. The rejection to claims 13, 14, and 17 under 35 USC § 103 is withdrawn in view of the amendment.

Reasons for Allowance

8. The following is an examiner's statement of reasons for allowance: The claims are allowable because prior art fails to teach a dispenser with a arcuate cover comprising a tray, a movable cover with a tab extension, and a stationary cover with a slot for receiving the tab, wherein rotation of the movable cover is limited by the tray as set forth in claim 12.

Regarding claim 12, McElhinny (6,749,097 B1) discloses a dispenser (FIGS 1-18) comprising: a first dispenser, wherein the first dispenser comprises: first tray (22) having an arcuate section (75) for receiving a roll of sheet material; a first cover (52), having a front edge and a back edge, with an offset pivot point (58) above the principal

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rotational axis of the first tray (22) wherein a first cutting surface (62) fixedly attached to the front edge and the first cover is operably mounted within a first stationary cover (28). Furthermore, McElhinny discloses the first cover further comprises a first tab extension (60). McElhinny fails to disclose the first stationary cover further comprises a slot for receiving the first tab extension, and wherein a rotation of the first cover is limited by the first tray. Ramsey (851,835) discloses a dispenser with a slot (6). However, the slot does not receive a tab extension and does not limit rotation of the cover. In addition, Aldridge (2,959,317) discloses a device comprising a tray, movable cover (19), and stationary cover (20) wherein the movable cover (19) comprises a first tab extension (21) and the stationary cover (20) comprises a slot (23) for receiving the first tab extension (21). However, it would not have been obvious to combine the McElhinny and Aldridge references because the McElhinny device does not provide a location on the stationary cover for a slot, nor could the inclusion of such a slot receive a tab on the movable cover as set forth in claim 12.

None of these references by themselves or in combination with the other prior art cited teach the claimed invention set forth in claim 12.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusions

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CB
March 3, 2005



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